

SUPPORT FOR THE AMENDMENTS

Claims 1-49, 65, and 67-86 were previously canceled.

Claims 50-55 and 57-64 have been amended.

Support for the amendment of Claims 50-55 and 57-64 is provided by the corresponding claims as previously presented, as well as the original claims and specification as filed.

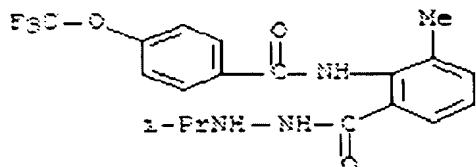
No new matter has been added by the present amendments.

REMARKS

Claims 50-64, 66, and 87-96 are pending in the present application.

The rejection of Claims 50-52, 57, and 66 under 35 U.S.C. §102(b) over Caplus Abstract 2001:713292 is obviated by amendment.

The Examiner cites Caplus Abstract 2001:713292, which is a compound of the



structural formula:

Applicants have amended the claims to specifically exclude this compound by removing group (B) from the definition of Z in claims 50-55 and 57-64. Thus, Caplus Abstract 2001:713292 does not disclose a compound within the scope of the claims as amended herein.

Withdrawal of this ground of rejection is requested.

The rejection of Claims 51-55 under 37 C.F.R. §1.75(c) is traversed, but is nonetheless, obviated by amendment.

The Examiner is reminded that 37 C.F.R. §1.75(c) states “Claims in dependent form shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim.” There is nothing inconsistent with this section of 37 C.F.R. §1.75(c) in Claims 51-55. In other words, even though Claims 51-55 may not have explicitly recited the optional substituents, there is no reason for these claims to do so as the optional substituents were clearly and unambiguously set forth in Claim 50 from which Claims 51-55.

Accordingly, by definition of being a “dependent” claim, Claims 51-55 necessarily define the option substituents.

Nonetheless, to avoid any further confusion on the Examiner’s behalf, Applicants have amended Claims 51-55 to define the option substituents for R⁵ as follows:

“R⁵ represents ~~optionally substituted~~ C₅₋₇ cycloalkyl, ~~optionally substituted~~ aryl, or ~~optionally substituted~~ saturated or unsaturated five- or six-membered heterocyclic group, and the C₅₋₇ cycloalkyl, aryl, or saturated or unsaturated five- or six-membered heterocyclic group represented by R⁵ is optionally substituted by (I), (II), (III), (IV), (V), (VI), (VII), (VIII), (IX), (X), (XI), (XII), (XIII), (XIV), (XV), (XVI), (XVII), (XVIII), (XIX), (XX), (XXI), (XXII), (XXIII), (XXIV), (XXV), (XXVI), or (XXVII)”

With respect to the structures of the optional substituents, the Examiner is again referred to 37 C.F.R. §1.75(c) and Claim 50 from which Claims 51-55 depend. Thus, there is no need to repeat the structures of the optional substituents in each of Claims 51-55.

Withdrawal of this ground of objection is requested.

The rejection of Claims 1-64 and 66 under 35 U.S.C. §112, first paragraph (written description), is without merit but is nonetheless obviated by amendment.

Applicants do no agree with the Examiner’s allegation that the proviso presents new matter. However, with the amendment herein to delete group (B) from the definition of Z, the proviso and this rejection are moot. The proviso has been removed from the claims.

Withdrawal of this ground of rejection is requested.

Applicants submit that the present application is now in condition for allowance.

Early notification of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Vincent K. Shier, Ph.D.
Registration No. 50,552

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 08/03)